



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

Promoting the wise use of land

MEETING DATE February 7, 2014 LOCAL EFFECTIVE DATE February 21, 2014 APPROX FINAL EFFECTIVE DATE March 14, 2014	CONTACT/PHONE Schani Siong, Project Planner (805) 781-4374	APPLICANT Michael and Christina Ness	FILE NO. DRC2013-00034
SUBJECT Hearing to consider a request by Michael and Christina Ness for a Minor Use Permit/Coastal Development Permit to allow for a 6'-6" high solid fence with stucco finish within the required 30-foot side setback pursuant to Coastal Zone Land Use Ordinance Section 23.04.190. The proposed fencing will enclose approximately 0.45 acres of private space on a 2.73-acre existing residential parcel. The proposed project is within the Residential Suburban land use category and is located at 2710 Adobe Road, approximately 200 feet east of Highway 1 and 2 miles southeast of the Morro Bay city-limit. The site is located in the rural Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2013-00034 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on January 13, 2014 (ED13-132)			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Local Coastal Plan	ASSESSOR PARCEL NUMBER 073-181-040	SUPERVISOR DISTRICT 2
PLANNING AREA STANDARDS: City of Morro Bay Planning Impact Area <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: 23.04.190 Fencing and Screening; 23.09.030 Nonconforming Buildings, Structures or Site Development; 23.07.120 Local Coastal Program <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242</small>			

EXISTING USES: Single Family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Agriculture / residences <i>East:</i> Agriculture / residences <i>South:</i> Residential Suburban / residences <i>West:</i> Residential Suburban / residences	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: City of Morro Bay, Public Works, Building Division, Cal Fire	
TOPOGRAPHY: Fairly level	VEGETATION: Ornamental landscaping
PROPOSED SERVICES: Water supply: Individual well Sewage Disposal: Individual septic system Fire Protection: Cal Fire	ACCEPTANCE DATE: November 27, 2013

The applicant is proposing to construct a 6'-6" high solid fence with stucco finish within the required 30-foot side setback area pursuant to Coastal Zone Land Use Ordinance Section 23.04.190. The proposed solid fence will enclose approximately 0.45 acres of private space on the 2.73 acre existing residential parcel. The proposed project is within the Residential Suburban land use category and is located at 2710 Adobe Road, approximately 200 feet east of Highway 1 and 2 miles southeast of the Morro Bay city-limit. As outlined below, the proposed is consistent with the Estero Area Plan as well as applicable Coastal Zone Land Use Ordinance standards and general plan policies.

PLANNING AREA STANDARDS:

City of Morro Bay Planning Impact Area

The proposed project falls within the City of Morro Bay Planning Impact Area and has been referred to the City of Morro Bay for review and comment. As of the writing of this staff report, Morro Bay has not responded to the referral.

LAND USE ORDINANCE STANDARDS:

Section 23.04.190(c) Standards for Fencing and Screening

This section allows for solid fences in a front or street side setback to be as tall as 3' with zoning clearance approval, and as tall as 6'6" with minor use permit approval. To approve a fence greater than 3' in a front or side setback, the Review Authority must find that the proposed fencing or screening:

- Is necessary to enclose private open space for a dwelling because alternative areas such as rear or side yards do not exist or are unsuitable for such use; and
- Will not block visibility of the front entrance to the dwelling from the street; and
- Will not impair safe sight distances for vehicle traffic; and
- Will not exceed 6'6" in height.

Staff comments: There are two fences proposed on the property: a 3' solid fence located within the front setback area and a 6'6" solid fence located 25' from the front property boundary (outside front setback area) and 10' from the side boundary (within street side setback area).

The 3' fence within the front setback is allowable under this section as it complies with the height limit. The 6'6" fence within the street side setback area is also allowable through the minor use permit process subject to meeting the required findings above. The proposed fencing is determined necessary as the existing residence does not currently have an enclosed private open space that is conducive for residential use. The proposed 6'6" fencing complies with the height limit allowable in the side setback area and will not block visibility of the residence front entrance from the street. Staff has consulted Public Works for a preliminary determination that the sight distances for vehicle traffic is adequate and the project is conditioned to meet the County Standard Drawing A-5a and sight distance requirements prior to building permit issuance. Based on the findings and condition #3 this project complies with applicable fencing and screening standards.

Section 23.09.030 Nonconforming Buildings, Structures or Site Development

The property consists of an existing nonconforming residential structure as defined by Section 23.09.012b and may continue to be used as provided by this section, where the structure was established and has been maintained in a lawful manner and condition. Pursuant to subsection a. of this section, the floor area or footprint of a nonconforming building or structure shall not be increased, nor shall any structural alteration occur except:

- (2) Minor alterations which deemed necessary to improve or maintain the health and/ or safety of the occupants, or are required by law.

Staff comments: The existing residence is a nonconforming structure which had been refurbished internally. No structural alterations have been made to the existing structure. The proposed fencing does not increase the footprint of the structure and is deemed necessary to improve the safety of the occupants. The project complies with this standard.

Section 23.07.120: Local Coastal Program

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

COASTAL PLAN POLICIES:

Following is a brief list of the Coastal Plan Policies (discussion of specific applicable policies following)

Shoreline Access: N/A

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Environmentally Sensitive Habitats: N/A

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources: ☒ Policy No: 1

Hazards: N/A

Archeology: N/A

Air Quality: N/A

Visual and Scenic Resources

Policy 1: Protection of Visual and Scenic Resources. Unique and attractive features of the landscape, including but not limited to unusual landforms, scenic vistas and sensitive habitats are to be preserved protected, and in visually degraded areas restored where feasible. The proposed project complies with this policy as the proposed fencing shall be in character and scale with the surrounding neighborhood, and will not block existing scenic vistas.

AGENCY REVIEW:

Public Works – Please demonstrate proposed improvements will conform to County Standard Drawing A-5a and that adequate site distance will be maintained at the intersection of Adobe Road and San Luisito Creek Road (Frank Honeycutt, January 13, 2014).

Building Department – No response.

Cal Fire – No response

California Coastal Commission – No response

City of Morro Bay – No response

LEGAL LOT STATUS:

The one existing parcel is a portion of Lot G-1 of the Jose Canet Ranch, a part of the Rancho San Bernardo, according to Map recorded February 13, 1919 in Book 2, Page 14 of Record of Surveys and was legally created by issuance of a building permit (permit #2007-01329) at a time when that was a legal method of creating parcels per Section 66499.34 of the Subdivision Map Act.

Staff report prepared by Schani Siong and reviewed by Airlin Singewald.